

REMARKS

By this amendment, claims 1, 9, and 20 are amended to place this application in condition for allowance. Presently, claims 1, 4, 7-9, 13, 14, 16, and 20 are before the Examiner for consideration on their merits.

This amendment is made responsive to the office action of February 13, 2004 wherein the Examiner withdrew the previous indication of allowable subject matter and rejected the pending claims based on the combination of Journal 101824 (House of Blues) and Journal 1676559. Claim 20 is also amended responsive to the 35 U.S.C. § 112, second paragraph rejection.

Applicants submit that in view of the amendments to claims 1 and 9, the combination of references fails to establish a prima facie case of obviousness.

House of Blues at best merely suggests a general concept of videoconferencing in a public place. In fact, it is questionable as to what this article teaches given the attached website printout from the House of Blues that does not describe any videoconferencing capability at all, much less a detailed method/design of functional booths. It should be noted that the Foundation Room mentioned in House of Blues is discussed in the attached printout, so the current website does relate to the House of Blues article, but there is no mention of any videoconferencing booths. In fact, Applicants assert that House of Blues is not even enabling in that it does not place the concept in the public eye sufficiently to qualify as valid prior art for this reason.

Even, *assuming arguendo*, that House of Blues does suggest videoconferencing in a restaurant, this suggestion does not rise to the level of the inventiveness of the instant application. There is nothing in House of Blues that addresses the importance of the booth layout, hardware capabilities of the booth, sound system, criticalities of the viewing screen and camera to create an unique setting that offers not only videoconferencing, but socializing, improved restaurant performance, and multimedia interaction. Just as importantly, House of Blues fails to recognize the advantages of having the restaurants in time zones such that the number of turns per restaurant will be drastically increased due to utilization in off hours. In fact, it could be suggested that the generalized idea of conferencing in a booth at a restaurant of House of Blues coupled with a complete absence

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of an implementation of such supports the fact that the claimed system and method of videoconferencing in a restaurant is anything but obvious.

It should be noted as well that the article mentions videoconferencing at a booth, but there is no express mention of a videoconferencing booth that is designed permanently for such activity. The only mention of an actual videoconferencing method is to a "roll around" conferencing unit that could be used throughout the restaurant. The reference to each booth being capable of videoconferencing does not necessarily mean that each booth is equipped as defined in claim 1. A more plausible explanation given the date of the article would be that either the "roll around unit" allows videoconferencing in each booth or each booth has an internet "jack" at each table to potentially plug in a laptop. Neither of these methods obviates the completely integrated solution of the invention. If you observe the photo of the main dining room and bar on the right side of the web site printout, and printed separately to show greater detail, you will see just regular booths and no media applications at the booths. The only screens are those found at the ceiling and at the bar.

More particularly, the House of Blues lacks the claimed hardware features, the booth features, the details regarding videoconferencing capabilities, the specific service provided by claim 9, the shape of the booth, the face to face feature of the booths, glass partitions, the point of sale feature, and it cannot render claims 1 and 9 obvious under 35 USC 103. Applicants are the first to develop a system and method for a restaurant that creates a true media booth for optimum videoconferencing, multimedia use, and restaurant operation, such a concept not even remotely recognized in the generalized disclosure of House of Blues.

The secondary reference does not supply the deficiencies in House of Blues since it is merely an internet café, i.e., a computer sitting on a table with one on one capability at best, and as planned at the time, "postage stamp" sized internet conferencing was the only method described.

Previously-cited Allen does not make up for the deficiencies in House of Blues because there is no reason to look to Allen and modify House of Blues. Allen is strictly intended to make two private rooms appear to be part of one room, and one of skill in the art would not look to Allen to modify House of Blues. The genres of these two systems are totally opposite. Allen's aim is to leverage isolation to create a more interesting conferencing environment. Our aim is provide a system that deals with the myriad of

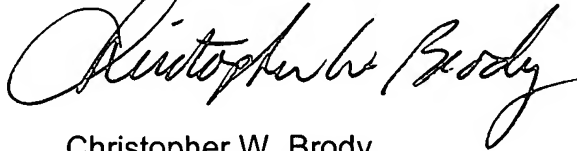
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difficulties locating in an open social setting. The restaurant motif is incompatible with the closed system of Allen. Moreover, the system of Allen is a rear projection one that is entirely different than the type of videoconferencing claimed, and this difference is another reason why the two references would not be combined.

Since this amendment clearly places this application in condition for allowance, the Examiner is respectfully requested to pass this application onto issuance.

Applicants' petition for a one month extension of time to extend the deadline for filing a response until June 13, 2004. Enclosed herewith is a check in the amount of \$55.00 to cover the fee. Please charge any shortages in fees to deposit account no. 50-1088, and credit any excesses to the same deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher W. Brody". The signature is fluid and cursive, with the first name "Christopher" being more prominent than the last name "Brody".

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